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In re Application of WHITE et al
U.S. Application No.: 09/937,718
PCT Application No.: PCT/GB00/01216
Int. Filing Date: 30 March 2000
Priority Date Claimed: 31 March 1999
Attorney Docket No.: 2490-14
For: AN OPTICAL CROSSPOINT SWITCH
USING VERTICALLY COUPLED
WAVEGUIDE STRUCTURE

COMMUNICATION

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 30 March 2000, applicant filed international application PCT/GB00/01216, which claimed priority of an earlier United Kingdom application filed 31 March 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 05 October 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 25 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 01 October 2001.

On 01 October 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 08 April 2002, applicant filed an executed declaration.

On 23 April 2002, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated a date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements of 08 April 2005.

DISCUSSION

The Notice of Acceptance of Application Under 35 U.S.C. 371 mailed 23 April 2002 indicated the incorrect date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements.

CONCLUSION

For the reasons above, the Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 23 April 2002 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate a date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements of 08 April 2002.



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